

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TYSON MONTGOMERY,  
Petitioner,

v.

DANIEL BURNS, et al.  
Respondents.

Civ. No. 13-3659

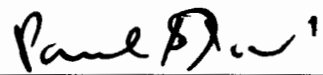
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**ORDER**

AND NOW, this 12th day of May, 2014, upon consideration of the Report and Recommendation of Magistrate Judge Marilyn Heffley (Doc. No. 11), to which no objections have been filed, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus (Doc. No. 1) is **STAYED and HELD IN ABEYANCE** while Petitioner's PCRA petition is pending in Pennsylvania courts;
3. Petitioner must notify this Court of his intent to proceed with his federal habeas Petition **within thirty (30) days of the date his PCRA appeal is no longer pending** to avoid dismissal of this Petition.
4. There are no grounds to issue a certificate of appealability; and
5. The Clerk of Court shall mark this case closed for statistical purposes.

**AND IT IS SO ORDERED.**

  
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Paul S. Diamond, J.